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UNCLAS GUATEMALA 001888

SIPDIS

SENSITIVE

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SUBJECT: CONSTITUTIONAL COURT UPHOLDS APPEAL IN RIOS MONTT CASE; STREET PROTESTS BY RIOS MONTT SUPPORTERS EXPECTED

REF: GUATEMALA 1862 AND PREVIOUS

1. (SBU) The Constitutional Court met on July 23 to hear the FRG's appeal ("ocurso" in Spanish) to the appeal filed by two political parties against the earlier Constitutional Court decision which allowed former de facto President Efraín Ríos Montt to become a presidential candidate (reftels). Again, one permanent magistrate recused himself, and an alternate (Gloria Melgar) replaced him. When the President of the Court called the vote, three magistrates (including the newly added alternate) voted to uphold the Supreme Court's decision to accept the appeal, i.e. ruling against Ríos Montt. The President of the Constitutional Court and the other magistrate who voted for Ríos Montt are reported to have stormed out of the session, refusing to sign the court's decision. The newest decision by the Constitutional Court does not resolve the case against the General, but by upholding the Supreme Court's right to hear the appeal it threatens to prolong the legal debate and makes it clear that the ruling FRG might not be able to control the Constitutional Court's ultimate decision.

2. (SBU) Ríos Montt had earlier told the press that, in the event his candidacy continued to suffer legal hurdles, he could not control his supporters who would likely protest in the streets. Many opposition leaders saw this as a not-too-thinly veiled threat of violence. Following the ruling of the Constitutional Court, opposition party leaders have told us that they have heard radio reports calling for protests on July 24 in the departmental capitals of Santa Cruz del Quiché and Cobán, as well as in the capital. In Santa Cruz del Quiché, pro-Ríos Montt protesters were reportedly summoned to protest in front of the Pollo Campero (owned by opposition financier Dionisio Gutierrez).

3. (SBU) Comment: The Ambassador and A/DCM have placed calls to leading FRG legislators (who are all huddled in a closed door meeting) to urge them to restrain their followers and ensure that there is no violence. The calls had not been returned as of the transmission of this cable, but we will continue pressing for a response.  
HAMILTON